

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE:

Jeffery D. Wood
And Marianne K. Wood

CASE NO.: 3:15-bk-02081-JAF

Debtors.

_____ /

Jeffery D. Wood
And Marianne K. Wood,

Plaintiff

Adv. No. 3:15-ap-00368-JAF

v.

Residential Funding Company, LLC,

Defendant

_____ /

MOTION FOR JUDGMENT BY DEFAULT

Come now, Jeffery D. Wood and Marianne K. Wood (hereinafter referred to as “Plaintiffs”), moves this Court for a default judgment against Residential Funding Company, LLC (hereinafter referred to as “Defendant”). In support thereof, the Plaintiffs show:

1. Plaintiffs filed this adversary proceeding against the Defendant seeking a determination that the second mortgage held by Defendant was wholly unsecured. After such findings, the Plaintiffs sought to have a Final Judgment entered which declared the lien of the Defendant on the homestead property of Plaintiff to be unsecured. See *Tanner v. First Plus Financial, Inc. (In re Tanner)*, 217 F.3d 1357 (11th Cir.2000).

2. A summons was issued on December 2, 2015, in compliance with the Federal Rules of Bankruptcy Procedure. Service was made in accordance with Rule 7004 on the Defendant.
3. No extension of time was sought by the Defendant.
4. The Defendant has failed to file a responsive pleading or motion to the Complaint of the Plaintiffs.
5. Plaintiffs have filed an affidavit contemporaneously with this motion setting forth support for the allegations in the Complaint.

Law Offices of Carol M. Galloway, P.A.

/s/ Carol M. Galloway

Carol M. Galloway, Attorney for Plaintiffs
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Residential Funding Company, LLC by servicing its Registered Agent, Corporation Service Company, at its usual place of business, 1201 Hays Street, Tallahassee, Florida 32301 by mail, this 13th day of February, 2016.

Law Offices of Carol M. Galloway, P.A.

/s/ Carol M. Galloway

Carol M. Galloway
FL. Bar I.D. No. 0547301